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8 UNITED STATES DISTRICT COURT  
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
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11 EDWARD LITTLEJOHN,

12 Plaintiff,

13 v.

14 LOS ANGELES COUNTY  
15 SUPERIOR COURT,  
16 JUDICIAL COUNCIL OF  
17 CALIFORNIA,  
18 CALIFORNIA DEPT. OF STATE  
19 HOSPITALS,  
20 LOS ANGELES COUNTY  
21 DISTRICT ATTORNEY OFFICE,  
22 M.S.H-METROPOLITAN STATE  
23 HOSPITAL,  
24 ATASCADERO STATE HOSPITAL,  
25 LESLIE E. BROWN, Los Angeles  
26 County Superior Court, Superior  
27 Court Judge,  
28 PATRICIA GUERRERO, The Judicial  
Council of California and Chief  
Justice,  
STEPHANIE CLENDENIN,  
California Department of State  
Hospitals and Directors,  
MICHAEL BARSOM,  
MSH-Metropolitan State Hospital  
and Executive Director,  
JASON BLACK, ASH-Atascadero  
State Hospital and Executive  
Director,  
GEORGE GASCON, District Attorney,  
JANE DOE 1, Deputy District  
Attorney, and

Case No. 2:24-cv-03840-JWH-BFM

**ORDER ACCEPTING  
MAGISTRATE JUDGE'S REPORT  
AND RECOMMENDATION**

JOHN DOE 1, Deputy District  
Attorney,  
Defendants.

1 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Second  
2 Amended Complaint, the records and files herein, the Magistrate Judge's  
3 Report and Recommendation, and the Objections to the Report and  
4 Recommendation. The Court has engaged in a *de novo* review of those portions  
5 of the Report and Recommendation to which objections have been made. The  
6 Court **ACCEPTS** the recommendations of the Magistrate Judge with one  
7 exception.

8 The Judicial Defendants objected to the Report and Recommendation to  
9 the extent that it does not recommend the dismissal of the ADA and  
10 Rehabilitation Act claims alleged against the Superior Court, the Judicial  
11 Council, and the individual judges sued in their official capacities. The Court  
12 agrees that Judge Brown and Chief Justice Guerrero's judicial immunity extends  
13 to the official capacity claims, and, therefore, it **DISMISSES** those claims **with**  
14 **prejudice**. *See Duval v. Cnty. of Kitsap*, 260 F.3d 1124, 1133 & n.5 (concluding  
15 that judicial immunity barred ADA and Rehabilitation Act claims against state  
16 court judge sued in his official capacity). Likewise, the Superior Court and the  
17 Judicial Council are entitled to judicial immunity because any claims against  
18 them are based upon Judge Brown or Justice Guerrero's conduct. *See Lund v.*  
19 *Cowan*, 5 F.4th 964, 972 (9th Cir. 2021) (affirming the dismissal of ADA claims  
20 brought against the Los Angeles Superior Court based upon a *respondeat superior*  
21 theory, because the state judge's judicial immunity extended to such claims).  
22 Accordingly, the ADA and Rehabilitation claims against all Judicial Defendants  
23 are **DISMISSED with prejudice**.

24 The objections of Plaintiff Edward Littlejohn to the Report and  
25 Recommendation, however, do not merit any changes to the Magistrate Judge's  
26 findings or recommendations. Littlejohn objects that he has plausible federal  
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1 claims.<sup>1</sup> Those objections are not responsive to the Report's thorough analysis  
2 that most of Littlejohn's claims are deficient in ways that cannot be cured by  
3 amendment.<sup>2</sup>

4 Littlejohn further objects that judicial immunity should not apply if a  
5 judge acts without jurisdiction.<sup>3</sup> But the acts of which Littlejohn complains are  
6 judicial acts, taken by judicial officers while they were presiding over his case or  
7 while they were supervising the work of state court judges, for which those  
8 Judicial Defendants are immune.<sup>4</sup> Thus, the Judicial Defendants are entitled to  
9 immunity to the extent they are sued in their individual capacities.<sup>5</sup>

10 Accordingly, the Court hereby **ORDERS** as follows:

11 1. The Report and Recommendation is **ACCEPTED**, with the  
12 exception described above.

13 2. Littlejohn's request for judicial notice of his previous federal *habeas*  
14 *corpus* petition and relevant state court documents is **GRANTED**.

15 3. The Judicial Defendants' Motion to Dismiss [ECF No. 87] is  
16 **GRANTED**, and Defendants Judge Leslie E. Brown, Chief Justice Patricia  
17 Guerrero, the Los Angeles Superior Court, and the Judicial Council of  
18 California are **DISMISSED with prejudice**.

19 4. The State Hospital and County Defendants' Motions to Dismiss  
20 [ECF Nos. 82 & 85] are **GRANTED in part** as follows:

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23 <sup>1</sup> Pl.'s Notice of Objs. (the "Objections") [ECF No. 113] 2-4.

24 <sup>2</sup> Interim Report and Recommendation (the "Interim R&R") [ECF  
25 No. 110] 2.

26 <sup>3</sup> Objections 5-6.

27 <sup>4</sup> Second Am. Compl. [ECF No. 60] 3-4.

28 <sup>5</sup> Interim R&R 19.

1 a. the Second Amended Complaint is **DISMISSED** in its  
2 entirety; and

3 b. all claims except for claims brought under the ADA or the  
4 Rehabilitation Act brought against the California Department of State  
5 Hospitals; the Metropolitan State Hospital; Atascadero State Hospital;  
6 the Los Angeles County District Attorney's Office; and individuals  
7 Stephanie Clendenin, Michael Barsom, Jason Black, former District  
8 Attorney George Gascon, and Doe Deputy District Attorneys to the  
9 extent that those individuals are named in their official capacities are  
10 **DISMISSED with prejudice.**

11 5. The Motions of the State Hospital and County Defendants are  
12 otherwise **DENIED without prejudice.**

13 6. No later than August 8, 2025, Littlejohn is **DIRECTED** to file a  
14 Third Amended Complaint remedying the deficiencies detailed herein. To be  
15 clear, any claim that has been dismissed with prejudice may *not* be reasserted in  
16 the Third Amended Complaint.

17 7. The Clerk is **DIRECTED** to serve this Order on all counsel or  
18 parties of record.

19 **IT IS SO ORDERED.**

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21 Dated: July 7, 2025

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24 John W. Holcomb  
25 UNITED STATES DISTRICT JUDGE  
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